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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,573	03/10/2000	Rex A. Naden	73169	5871
4586	7590	05/19/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 05/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/523,573	NADEN ET AL.
	Examiner	Art Unit
	Bharat N Barot	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

RESPONSE TO AMENDMENT

1. Claims 1-34 remain for further examination. Applicants' amendments and arguments with respect to claims 1-34 filed on February 09, 2004 (Paper Number 13) have been fully considered.

The old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action (Paper Number 09) mailed on October 06, 2003. Applicants' arguments with respect to claims 1-34 have been fully considered but they are deemed to be moot and old rejection maintained.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al (U.S. Patent No. 5,732,216). Logan's patent meets all the limitations for claims 1-34 recited in the claimed invention.

5. As to claim 1, Logan et al disclose a communications system (see abstract; and figure 9), comprising:

a first unit (players) including a first transceiver, a first memory and a first CPU, the first CPU operating to access data at the first transceiver and at the first memory (figure 1; and column 3 line 22 to column 4 line 37);

a second unit (host server) including a second transceiver for operable coupling to the first transceiver over a wireless link, a second memory and a second CPU, the second CPU operating to access data at the second transceiver and at the second memory (figure 1; column 4 line 39 to column 5 line 45; and column 6 lines 36-58),

wherein the first CPU operates to transmit a request signal from the first transceiver to the second transceiver, the second CPU responds to receiving the request signal at the second transceiver by accessing a data file at the second memory and transmitting the data file from the second transceiver to the first transceiver, and the first CPU responds to receiving the data file at the first transceiver by storing the data file at the first memory (figure 1; and column 5 lines 46 to column 6 line 26).

6. As to claims 2, 4, 6, and 9, Logan et al disclose that at least-one of the first unit and the second unit is included in a vehicle, and the request list is generated by a voice-activated system, the wireless link being established responsive to the first and second units being disposed within a predetermined proximity one relative to the other (figure 1; column 3 lines 32-37; and column 6 line 36 to column 7 line 2).

7. As to claims 3, 7, and 10, Logan et al disclose that the data file includes compressed audio and music (MP3-formatted music), and the first unit includes a music player (figure 1; column 3 lines 24-40; column 3 line 55 to column 4 line 16; column 4 lines 40-58; and column 5 lines 16-32).
8. As to claim 5, Logan et al disclose that the request signal includes a request list, the request list comprising an identifier for a program, and the data file accessed by the second CPU includes data for the program identified by the identifier (figures 4-5; column 5 lines 6-15; column 7 line 51 to column 8 line 7; column 13 lines 56-63 17 line 62 to column 18 line 40; and column 21 line 64 to column 22 line 9).
9. As to claim 8, Logan et al disclose that the request signal is sent in a continuous mode, and the second transceiver responds to receiving the request signal when the request signal is received at a sufficient strength (figures 1-2; and column 7 line 5 to column 8 line 60).
10. As to claim 11, Logan et al disclose a communications system (see abstract; and figure 1), comprising. -
a first unit (player) including a receiver, a first memory and a first CPU, the first CPU operating to access data at the first receiver and at the first memory (figure 1; and column 3 line 22 to column 4 line 37);

a second unit (host server) including a transmitter for operable coupling to the receiver over a wireless link, a second memory and a second CPU, the second CPU operating to access data at the transmitter and at the second memory (figure 1; column 4 line 39 to column 5 line 45; and column 6 lines 36-58),

wherein the second CPU includes an agent (HTML/FTP server program that generates a request signal, the second CPU responds to the request signal by accessing a data file at the second memory and transmitting the data file from the transmitter to the receiver, and the first CPU responds to receiving the data file at the receiver by storing the data file at the first memory (figure 1; and column 4 line 40 to column 6 line 26).

11. As to claims 12-20, they are also rejected for the same reasons set forth to rejecting claims 2-10 above.

12. As to claims 21-30, they are also rejected for the same reasons set forth to rejecting claims 1-10 above, since claims 21-30 are merely a method of operation for the apparatus defined in the apparatus claims 1-10.

13. As to claim 31, Logan et al disclose that the first storage unit is included in a vehicle; and the second storage unit is included in a fixed unit (figure 1; and column 3 lines 32-37; and column 6 line 36 to column 7 line 2).

14. As to claim 32, Logan et al disclose that the data file includes compressed audio and music (MP3-formattted music), and the first unit includes a music player (figure 1; column 3 lines 24-40; column 3 line 55 to column 4 line 16; column 4 lines 40-58; and column 5 lines 16-32).

15. As to claims 33-34, Logan et al disclose that the fixed unit is a dwelling unit or a commercial unit (column 6 line 36 to column 7line 2).

Response to Arguments

16. Applicant's arguments with respect to claims 1-34 filed on February 09, 2004 (Paper Number 13) have been fully considered but they are not deemed to be persuasive for the claims 1-34.

17. In the remarks, the applicant argues that:

(A) Argument: The reference neither discloses nor anywhere even suggests the exchange/distribution of its audio messages between host and audio player apart from the Internet, much less over a wireless link there between, in the manner more clearly recited by each of applicants' newly-amended independent claims.

Response: Logan suggest that the exchange/distribution of its audio messages between host and audio player apart from the Internet, much less over a wireless link there between and explicitly disclose that the a host server including a transceiver for operable coupling to a player's transceiver over a wireless link, the wireless link being established responsive to the host server and the player being disposed within a predetermined proximity one relative to the other (figure 1; column 3 lines 32-37; column 5 line 32 to column 6 line 26; and column 6 line 36 to column 7 1ine 2).

18. This action is made final. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

May 03, 2004

Bharat Barot.

**BHARAT BAROT
PRIMARY EXAMINER**